

## CHAPTER 10

### HEALTH AND SANITATION

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#### 10.01 BOARD OF HEALTH

- (1) **How Constituted** See s. 2.07 of this code.
- (2) **Duties** It shall be the duty of the Board of Health of the City of Augusta to assume the general administration of health and sanitation laws and regulations in the City, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the State Board of Health and the ordinances of the City.
- (3) **Powers** The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the City of Augusta. All orders and regulations of the Board shall be published in the official newspaper, and after publication shall have the force and effect of ordinances, including penalty for violation.

#### 10.02 HEALTH OFFICER: DUTIES AND POWERS

- (1) **How Selected** See s. 2.07 of this code.
- (2) **General Duties** The City Health Officer under the supervision of the district State Health Officer shall:
  - (a) Make an annual sanitary survey and maintain continuous sanitary supervision over his/her territory.
  - (b) Make a periodic sanitary inspection at least every four (4) months of all school buildings, restaurants, dairies, grocery stores, meat markets and places of public assemblage and report thereon to those responsible for the maintenance thereof.

- (c) Promote the spread of information as to the causes, and prevention of prevalent diseases and the preservation and improvement of health.
- (d) Enforce the health laws, rules and regulations of the State Board of Health, the State and the City, including the laws relating to contagious diseases contained in ch. 143, Wis. Stats.
- (e) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
- (f) Keep and deliver to his successor a record of all his official acts.
- (g) Make an annual report to the State Board of Health and to the City Council and such other reports as they may request.

### 10.03 KEEPING OF ANIMALS AND FOWL

#### (1) **Sanitary and Housing Requirements**

- (a) All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors.
- (b) No livestock shall be kept within the City except within a distance of two hundred (200) feet from any neighbors, dwellings or stores.
- (c) All structures, pens, buildings, stables, coops, fences or shelters used to hold animals or livestock shall be so constructed and maintained to ensure all of the following:
  - 1. The animal or livestock will not escape
  - 2. The animal or livestock are protected from the elements
  - 3. The animal or livestock are not exposed to dangerous or harmful materials or flaws in the structure that could cause injury to the animal or livestock.

(2) **Animals Excluded From Food Handling Establishments** No person shall take or permit to remain any dog, cat or other live animal in or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

(3) **Conforming Uses** Except as a non-conforming use under Chapter 9 Section 8.1 of this code, no person, firm, or corporation shall keep, feed, or breed any fur bearing animal or game animal as defined in 29.001(30) and (36), Wisconsin Statutes.

(4) **Cats** Except as a lawful non-conforming use under Chapter 9, Section 8.1 of this code, no person, firm or corporation shall keep, feed, or breed any member of the feline family, other than domestic cats.

(5) **Livestock** Except as a lawful nonconforming use under Chapter 9, Section 8.1 or a lawful conditional use under Chapter 9, Section 4.5 of this code, no person, firm or corporation shall keep, feed or breed any:

- (a) Fowl
- (b) Member of the family Bovinae, commonly known as cattle
- (c) Member of the family Capra, commonly known as goats

- (d) Member of the family Camelidae, commonly known as llamas, alpaca or camels
- (e) Member of the family Equus, commonly known as horses, donkeys or mules.
- (f) Member of the family Ovis, commonly known as sheep
- (g) Member of the Sus family, commonly known as swine
- (h) Member of the family Ratite, commonly known as Emu, Ostrich or Rhea

(6) **Snakes**

- (a) For purposes of this section, “poisonous” shall mean having the ability to cause serious harm or death by transfer of venom or poison to a person or animal.
- (b) Except as a lawful non-conforming use under Chapter 9, section 8.1 of this code, no person shall keep or possess any snake in the City which is poisonous or is in excess of ten (10) feet in length. This prohibition shall not apply to bona fide zoos, educational institutions or exhibitions keeping such snakes for display or for instructional or research purposes. Any person legally possessing any such animal in this capacity shall notify the chief of police in writing of the location and type of snake being kept and the purpose of such possession.

(7) **Rabbits**

This section shall not apply to domestic rabbits, defined as those rabbits that are normally born and raised in captivity, which are kept as pets and not for resale.

(8) **Wildlife Rehabilitation**

This section shall not apply to animals in the possession of a wildlife rehabilitator who is licensed by the State of Wisconsin, Department of Natural Resources, while such animal is being lawfully nurtured or rehabilitated for release in the wild. No animal may be kept under this exception that poses a danger to the community.

(9) **Violations and Penalties**

Any person violating any provision of this ordinance shall be penalized according to the penalty described in Section 15.04 of this code.

- (10) The following provision is added to section 15.035(5) of the Municipal Code of the City of Augusta:

**“Chapter 9, Section 3.3, First Offense, \$75.00 plus costs. Second Offense, \$150.00 plus costs.”** (formerly referenced Chapter 9, Section V, Paragraph (4) prior to Chapter 9 Zoning Ordinance being repealed, recreated and Adopted by City Council on June 9, 2015)

**10.04 CONTROL OF WEEDS AND GRASSES**

- (1) **Mowing Required** No person owning property within the City of Augusta shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon their premises all grasses or weeds exceeding eight (8) inches in height.
- (2) **Mowing By City** It shall be the duty of the Director of Public Works to enforce this section; and if any person shall fail to comply herewith, the Director shall, after have

been given notice, or reasonable attempts were made, cause the premises to be mowed and report the cost thereof in writing to the City Clerk. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless such lands are exempt from taxation. (Approved by council on June 11, 2002)

## **10.05 GARBAGE DISPOSAL**

- (1) It shall be unlawful for the agent, owner, tenant or occupant of any premises to have, maintain, or keep any garbage thereon except in containers therein prescribed. Such containers shall be water-tight, have handles and be equipped with a tight fitting cover. Trash may be put in boxes, barrels or other containers reasonably easy to handle and for loading by one person, onto a collection vehicle. Shrubs, small trees, branches, waste paper and similar trash may be placed in bundles, securely tied, but the lengths thereof shall not exceed five (5) feet. Such bundles and containers shall not exceed one hundred (100) pounds in weight. Garbage must be wrapped before being placed in garbage containers.
- (2) It shall be unlawful and all persons are prohibited from placing, putting, or throwing any leaves, straw, brush, grass and grass clippings, tin cans, bottles, sticks, boards, ashes, snow, ice or any rubbish of any kind whatever, or placing or throwing any swill, brine, urine, manure or any other filthy or offensive substances, or any stinking or nauseous liquid upon or along the sidewalk, street, alley, or public or private place in the City of Augusta. (*Amended August 11, 2015*)
- (3) The accumulation or deposit of refuse, garbage, trash or putrescible animal or vegetable matter, wood products, branches, lumber, not to include neatly stacked fire wood which is kept out of public view, metal objects, tires and other rubber products, machine parts, discarded or non-functioning appliances, furniture, bricks, cement blocks, or other unsightly debris, and other similar articles or objects in or upon any lot or land or any public or private place within the city which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance.
- (4) It shall be unlawful for any person to dump or dispose of any garbage or waste upon any street, alley, highway, stream or waters in the City of Augusta. It shall also be unlawful for any person to dump or dispose of any waste or garbage in waste containers owned by another without permission.

Penalties: Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a penalty as provided in Section 15.04 of this code.

## **10.06 SANITARY HOUSING CONDITIONS**

- (1) Whenever the City Council or the Eau Claire City-County Health Department shall find that any building or structure, or any part thereof is dangerous to life, or adjoining property by reason of defective construction, general dilapidation, decay, lack of safe and adequate and approved sanitary facilities, safe water supply or any other cause, they shall order the owner or tenant thereof to cause the same to be made safe or be removed, as in the judgment of the City Council and Health Department may be necessary. They shall also affix a notice of such order in a conspicuous place on the outside wall of the building and no person shall remove or deface such notice. The owner or tenant of such building

or structure shall there upon immediately cause the same to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be guilty of a violation of this ordinance.

- (2) Where the public safety requires immediate action, the City Council and said Health Department shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by action against the owner or tenant.

### **10.07 RIGHT OF HEALTH OFFICER TO ENTER PREMISES**

The Health Officer shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods or other food stuffs are stored, prepared or dispensed for public consumption and to inspect or examine any vehicle transporting such foodstuffs for the purpose of enforcing the provisions of this chapter. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a penalty as provided in Section 15.04 of this code.

### **10.08 ABATEMENT OF HEALTH NUISANCES**

The Health Officer together with the Board of Health shall have the power to abate health nuisances with §146.14 which is hereby adopted by reference and made a part of this section as if fully set forth herein.

### **10.09 PENALTIES**

The penalty for violation of any provision of this chapter shall be a penalty as provided in s. 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

### **10.10 HOUSING MANAGEMENT AND OCCUPANCY CODE**

The provisions of the Housing Maintenance and Occupancy code of Eau Claire, Wisconsin, are hereby adopted by reference to be the Housing Maintenance and Occupancy code of the City of Augusta. Said code shall be kept at the City Clerk's office for review at any time during the regular office hours of the Augusta City Clerk. If the provisions of said code are in conflict with any other provisions of the Municipal Code of the City of Augusta, the provisions as contained in the Housing Maintenance and Occupancy Code shall be followed.

An ordinance prohibiting discrimination on the basis of race, color, religion, ancestry, national origin, sex or place of birth in regard to housing accommodations within Augusta, declaring the policy of the City of Augusta to be that of ensuring equal opportunity to all persons to live in decent housing facilities; defining the terms used: prohibiting certain practices which would constitute discrimination on the basis of race, color, religion, ancestry, national origin, sex, handicap, marital status of person maintaining a household, lawful source of income, place of birth or age in connection with the sale, purchase, leasing or financing of housing facilities: containing exemptions and exceptions to the application of the ordinance for certain groups and persons: providing for procedure, other remedies and penalties: repealing conflicting county ordinances, laws and resolutions: providing for severability of invalid sections or subsections: and providing for an effective date.

The Common Council do ordain as follows:

(1) **Declaration of Policy** It is hereby declared to be the policy of the City of Augusta to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, marital status of person maintaining a household, lawful source of income, place of birth or age and, to that end, to prohibit discrimination in housing by any person.

(2) **Definitions As Used In This Ordinance**

- (a) "Dwelling" shall mean any building, structure, or portion thereof which is occupied as or designated for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereon of any such building or structure.
- (b) "Person" includes a single individual.
- (c) "Family" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
- (d) "To Rent" includes to lease, sublease, to let and otherwise grant for consideration the right to occupy premises not owned by the occupant.
- (e) "Discrimination" or "Discriminatory Housing Practice" means any difference in treatment based upon race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, place of birth, or age; or any act that is unlawful under this ordinance.

(3) **Unlawful Practices In This Ordinance**

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, place of birth or age.
- (b) To discriminate against any person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- (c) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when, in fact, it is to available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, or place of birth or age.
- (d) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase,

rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination of any intent to discriminate.

- (e) To induce directly or indirectly or attempt to induce directly or indirectly the sale, purchase, rental or lease for the listing for any of the above, of any housing accommodation by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.
- (f) He has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted in or participated in any manner in any investigation, proceedings, hearing or conference under this ordinance; or
- (g) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, sex, handicap, marital status, lawful source of income, place of birth or age of such person or any person associated with him in the connection of such loan or other financial assistance or the purpose of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loans or other financial assistance is to be made or given; or
- (h) To deny any qualified person access or membership or participation in any such multiple-listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account or race, color, religion, ancestry, national origin, sex, handicap, marital status, lawful source of income, place of birth or age.

**(4) Exemptions**

This ordinance shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with the religious organization, association, or society, which limits the sale, rental, or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, national origin, sex, handicap, or lawful source of income, place of birth or age.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a

commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(c) Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three (3) such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within a twenty-four (24) month period: Providing further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, titled to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at one (1) time: Provided further, the sale or rental of any such single-family house shall be accepted from the application of this ordinance only if such house is sold or rented:

1. Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and
2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or of Section 3 of this ordinance; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or
3. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, and if the owner actually maintains and occupies one of such living quarters as his residence.

**(5) Procedure**

Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the City Clerk after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The City Council shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the chairperson of the Augusta Housing Authority to forward the complaint and findings to appropriate state and federal agencies.

**(6) Penalties**

Any person violating any provision of this ordinance, shall, upon conviction thereof, for the first violation, forfeit not less than ten dollars (\$10) nor more than fifty dollars (\$50).



## 10.11 FAIR AND OPEN HOUSING

WHEREAS, the Common Council of the City of Augusta recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein;

THEREFORE, BE IT ORDAINED THAT:

- (1) The Common Council of the City of Augusta hereby adopts §106.50, as amended, and all subsequent amendments thereto as they related to fair and open housing.
- (2) The officials and employees of the City of Augusta shall assist in the orderly prevention and removal of all discrimination in housing within the City of Augusta by implementing the authority and enforcement procedures set forth in §106.50, Wisconsin Statutes as amended.
- (3) The Municipal Clerk shall maintain forms for complaints to be filed under §106.50 Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Augusta to file a complaint there under with the Wisconsin Department of Industry, Labor and Human Relations for enforcement of §106.50, Wisconsin Statutes as amended.  
(Adopted March 10, 2009)

## 10.12 PROHIBITED DISCHARGES

- (1) **Prohibited Discharges** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or into the ground, surface waters, subsurface waters, or aquifers, or within the City, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
- (2) **Containment, Cleanup and Restoration** Any person, firm or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the City of Augusta as action imposed by three (3).
- (3) **Emergency Services Response** Includes, but not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expense may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incidents, specific laboratory expenses

incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean-up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

- (4) **Site Access** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to City Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean-up and restoration activities.
- (5) **Public Protection** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his/her assistant, or the senior city police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the City Council can take appropriate action.
- (6) **Enforcement** The Coordinator of Emergency Government and his deputies, as well as the City Police Officers, shall have authority to issue citations or complaints under this section.
- (7) **Civil Liability** Any person, firm or corporation in violation of this section shall be liable to the City for expenses incurred by the City or loss or damage sustained by the City by reason of such violations.
- (8) **Penalties** Any person, firm or corporation in violation of this section shall upon conviction thereof be penalized according to the provisions of Chapter 15.04 of this code. Each day of violation shall constitute a separate offense.

#### **10.13 MANDATORY COLLECTION OF RECYCLABLES**

Refer to current contract with garbage hauler.

#### **10.14 SMOKING PROHIBITION**

- (1) **Purpose**
  - (a) Protecting the public health, safety, comfort, and general welfare of the people of the City of Augusta.
  - (b) Clarifying and expanding upon the State's Smoking Ban Law enacted by 2009 Act 12 under the authority created by Wis. Stat. §101.123(4m) as created by the Act.
- (2) **Definitions**

The definitions of Wis. Stat. §101.123 are hereby adopted:
- (3) **Smoking Prohibited-State Statute Adopted**

Wis. Stat. § 101.123 is adopted by reference and made a part of this chapter as if fully set forth herein.
- (4) **Penalties**

Whoever violates this section shall, upon conviction, be subject to a penalty as provided in Section 15.04(1) of this code.